

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

REX BARLOW SHAFER,)	
)	
Petitioner,)	
v.)	Case No. CV410-199
)	
JACK KOON, <i>Warden</i> , and)	
THURBERT BAKER,)	
)	
Respondents.)	

REPORT AND RECOMMENDATION

Rex Barlow Shafer petitions this Court for habeas relief under 28 U.S.C. § 2254. Doc. 1. He is currently confined in this District, doc. 1 at 10, but challenging a conviction that arose in Catoosa County, Georgia, which is within the Northern District of Georgia. *Id.* at 3. In such situations, jurisdiction exists concurrently in both the district of confinement and the district in which the conviction under attack was entered. *Wright v. Indiana*, 263 F. App'x 794, 795 (11th Cir. 2008). "The most convenient forum will often be the district in the state whose conviction is being attacked, and a transfer of the case to that district is permissible, but not required." *Id.* (citing *Byrd v. Martin*, 754 F.2d 963, 965 (11th Cir. 1985)).

Having considered petitioner's filing, the Court concludes that the Northern District would be the better forum for resolving this matter. Hence, this case should be transferred to the Northern District of Georgia, Rome Division. *See* 28 U.S.C. § 1404(a) (permitting a district court to transfer any civil action to another district or division where it may have been brought for the convenience of parties and witnesses and in the interest of justice); 28 U.S.C. § 90(a)(3) (Rome division for Catoosa County cases).

SO REPORTED AND RECOMMENDED this 25th day of August, 2010.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA